

REVISED DD FREQUENTLY ASKED QUESTIONS: GENERAL INFORMATION

Q. Can agencies see reports of OHCQ/DDA?

A. By law, OHCQ reports are not discoverable. You can, however, contact your regional DDA office for information on follow-up. Deficiencies are public documents and can be seen by anyone. Agency Board members may also receive deficiencies on a routine basis and the Agency Board president is sent copies of all deficiency statements.

Q. What are considered "working days?"

A. Working days are considered to be Monday through Friday, with the exception of state holidays and service reduction days.

Q. Can a time-out room be used for adults?

A. No, refer to the DDA regulations, 10.22.10.06D3.

Q. Who monitors investigations and surveys completed by OHCQ?

A. As the State Protection and Advocacy Agency, MDLC can request to review investigations and surveys at any time. In addition, the State Medicaid office reviews a sampling of reports annually as part of DDA's federal waiver requirements.

Q. Who is a contact person for jurisdictional issues (e.g., group home in Montgomery County/MD but funding and placement was via DC)?

A. The respective regional office can provide you with this information. The rule of thumb is that if the site is licensed by Maryland DDA and/or the service is funded through Maryland DDA, Maryland DDA and OHCQ will handle any review or investigation warranted. Maryland DDA, D.C. DDA, and OHCQ have a Memorandum of Agreement regarding sites operated in Maryland for individuals receiving supports from D.C. licensed/certified agencies.

Q. Will data collected from agencies be shared back with agencies periodically? (i.e. patterns involving certain staff, homes, individuals, etc., quarterly or annual trends)

A. Agencies should be looking at this information internally and taking action on such trends through their Quality Assurance Plan. Regional offices may also share any patterns they recognize with agencies. Data may be requested from OHCQ through the public information act.

Q. After 6 years, an agency can purge or shred files. Does OHCQ keep files longer? Why the length of time - 6 years?

A. OHCQ keeps its files slightly longer than 6 years. The 6-year length of time comes from the HIPPA regulations, which is federal law.

Q. Are electronic records acceptable?

A: Yes. OHCQ must be able to access the complete record and the agency must have the capability to print out requested documents at the request of an investigator or surveyor. Records must be protected. Please refer to the Maryland Medical Records Act, Health-General Sections 4-301 through 4-309, and the HIPAA regulations, 45 CFR 164.

Q. Does Maryland have a central abuse registry? Can we get stricter laws concerning databases for staff who have been convicted or had allegations of abuse and do convictions or charges show up on police background checks?

A. Maryland does not have a central abuse registry. We are currently looking at other states to see how those states established registries. For private companies doing background checks and using a potential employee's Social Security Number, pending charges can be identified. Background checks through the State Police only reveal convictions through fingerprints.

Q. Must agencies know if an individual has a legal guardian?

A. Yes, the agency should routinely know this information and document it in the individual's plan.

Q. If an individual has a family member, but the family is not involved, should the family be notified of events?

A. Yes, unless otherwise noted in the person's individual plan. It should not be assumed that just because a family member is not involved on a regular basis that they would not want to know about events in an individual's life.

Q. Could the automatic notification of an advocate or guardian possibly infringe on the individual's rights if they don't want that person notified? Where the individual is his or her own guardian and is legally competent, at what point is notifying the family a violation of the individual's human rights?

A. If the individual has a legal guardian, you must notify that person in the case of a reportable incident or other significant event. If the individual has reached the age of majority and does not have a guardian, the SRC or community agency must respect the individual's wishes as documented in his or her individual plan.

FIRE SAFETY/EMERGENCY PLANS

Q. What is the impact of a sprinkler system on the evacuation times for residential sites?

A. The existence of a sprinkler system in a site, does not afford extra evacuation time in the event of a fire emergency. (See below response from Fire Marshal Michael Bond)

“An installed automatic sprinkler system in a residential / health care occupancy does not determine evacuation time. Evacuation time can be a determining factor with reference to a automatic sprinkler system. In other words, in a fire emergency, the activation of the automatic sprinkler system could control and possibly extinguish a fire that was sprinkler controllable, giving residents a little more time to exit the building. A main point to remember is that the smoke from a fire can incapacitate / kill before the automatic sprinkler system activates. That is why working smoke alarms are so important. Since the State Fire Marshal's Office does not enforce the fire code in residential occupancies with 5 or less residents, a sprinkler system would not be required. However, the local jurisdiction may require it if it was built after a certain date. The Office of the State Fire Marshal would require a full automatic sprinkler system, fire alarm system and smoke detection system in an occupancy that have 6 or more residents in the counties we have jurisdiction in.”

Q. Do I need to do anything with our sprinkler system(s)?

A. Periodically observe that nothing is blocking the sprinkler heads, and there should be at least an 18 inch clearance. In addition the sprinkler heads should be free of lint and debris. An annual inspection through an agency licensed to inspect or install sprinkler systems is required to ensure the system is operable.

Q. Is a secondary means of escape always required in sleeping rooms and living areas?

A. A secondary means of escape is not required if one of the following conditions is met: If a bedroom or living room has a door leading directly to the outside at or to grade level, or if it is protected by an automatic sprinkler system.

Q. What size should a window be if it will be used as the secondary means of escape?

A. When a window is designated as the secondary means of escape from a room, the size of the window should be 5.7 square feet. The width of the window should not be less than 20 inches and the height not less than 24 inches. The bottom of the opening should not be more the 44 inches above the floor. If the bottom of a window is a few inches above the required 44" from the floor level, a permanently affixed ladder or step(s) can be placed below the window. However it must be as wide as the window.

Q. Are there any other requirements to be considered for windows when they are to be used as a secondary means of escape?

A. The window must open with minimal effort and without the use of keys or special tools. The window itself should not be covered or blocked such as by a large head board from a bed or other furniture. A bed or other furniture can be placed below a window and would not impede escape.

Q. How long should it take to evacuate a dwelling in the event of a fire?

A. The NFPA Life Safety Code (where they define evacuation capability), states an evacuation time of 3 minutes or less without staff assistance is prompt. An evacuation time of over 3 minutes, but less than 13 minutes and requiring some staff assistance is slow. An evacuation time of more than 13 minutes even with staff assistance is impractical.

Q. Should fire escape plans be posted?

A. If the individuals living in the home are independent and it is documented that they do not want the plan posted on the wall, the plan does not need to be posted. Please keep in mind that in an emergency, most people would probably benefit and need the visual reminder.

Q. How often should fire drills be conducted?

A. There are no specific requirements for how often fire drills must be conducted in homes that are licensed for 1 to 5 individuals. The rule of thumb is to conduct frequent enough fire/emergency drills to ensure evacuation from the site within no more than 3 minutes.

Keep in mind that when determining how long a fire drill can last, how often they need to be conducted and at what time of the day, you need to look at the needs of the individuals. If there is one overnight staff and there are 3 non-ambulatory people, you would need to determine whether the people are living in a safe place if direct support staff does not know whether or not individuals can be evacuated in the event of a fire.

Q. Are there different requirements for how many fire drills should be conducted in group homes that have capacities of 6 to 8?

A. Yes. Because Fire Marshal inspections are required in jurisdictions throughout the state for all group homes licensed for 6 or more the following requirements from NFPA apply:

Fire/exit drill shall be conducted six (6) times per year on a bi-monthly basis. Not less than two (2) drills shall be conducted during the night when residents are asleep. Drills shall be held at different times of the day.

Q. How many smoke alarms are required in a home?

A. Smoke alarm(s) should be located in all sleeping rooms, on each level of the dwelling including basements and outside of each sleeping area in the immediate vicinity of the sleeping rooms.

Q. Are homes required to have interconnected electric 110/volt battery back-up smoke alarms?

A. No, battery operated smoke alarms are permitted in existing one and two family dwellings, provided that they are tested on a regular basis by the property owner/occupant, and are operable at the time of the survey.

Q. During a survey or inspection, staff are asked to test the smoke alarms for the OHCQ staff. Why?

A. OHCQ defers to agency staff to test smoke alarms. IN addition to ensuring OHCQ does not damage agency equipment, this is also an indication of the ability of staff to test the alarm and conduct a fire drill.

Q. Can OHCQ require a Fire Marshal inspection when surveying a licensed site?

A. Yes. If OHCQ has concerns regarding fire safety issues that would require the expertise of a Fire Marshal, OHCQ will request an inspection. OHCQ will send the request to the local fire marshal for that jurisdiction.

Q. Are all group homes with a capacity of 6 and above required to have a Fire Marshal inspection?

A. Yes. ALL residential facilities having 6 or more residents not related to the owner are required to have an inspection in the state of Maryland. OHCQ Investigators and Surveyors may ask for a copy of the most recent F.M. inspection for group homes of 6 or above. OHCQ will also check for any fire safety equipment or systems that were required by the F.M. at the time of inspection. If a F.M. inspection has not been completed in more than five years, OHCQ will request a Fire Marshal inspection.

Q. How often are Fire Marshal inspections conducted in all group homes where it is required?

A. Annual inspections are required. However due to staffing shortages this is not always being done by Fire Marshals throughout the state.

Q. Are all day programs supposed to have a Fire Marshal inspection?

A. Yes. F.M. inspections are required for all DD day programs. Inspections are usually requested by OHCQ for day programs unless an agency has already had one completed. A program may be located in a public building that may have already had a F.M. inspection. OHCQ would then request a copy of the approval form.

Q. What kind(s) of space heaters are acceptable?

A. Portable space heaters that are electric; oil filled and look like the old fashioned radiators are acceptable. They should display the "UL listed" designation. Extension cords should never be used on these heaters. Kerosene heaters are considered very dangerous and not acceptable by fire marshals.

Q. Does each licensed site need to have a land-line telephone?

A. No. However, homes without a land line telephone cannot be tracked in the event of an emergency. MD does not have a system yet to track cell phone locations for emergency purposes.

Q. We have a generator for emergencies. Where can we store the gas?

A. Gasoline that is typically used for use in lawn mowers or generators can be stored in garages in a proper storage container. Garages are built with fire walls and fire doors to protect the rest of the home from a fire that may have started in a garage. Gasoline cannot be stored on apartment balconies or within residences.